

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MADGE *et al.*

Appl. No.: 10/658,971

Filed: September 9, 2003

For: **Boronic Acid Salts Useful in  
Parenteral Formulations**

Confirmation No.: 3998

Art Unit: 1614

Examiner: Brian Yong S. Kwon

Atty. Docket: 2451.0090008

**Supplemental Amendment And Reply To Final Office Action**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to Applicants' Amendment and Reply filed on April 19, 2007, Applicants submit the following supplemental Amendments and Remarks.

Claim amendments begin on page 4 of this paper.

Applicants' Remarks begin on page 30.

As noted above, an Amendment and Reply to the Office Action was filed on April 19, 2007. In the Advisory Action mailed May 10, 2007, the Examiner explained that the proposed amendments seeking to enter the phrase "obtaining [an] anti-thrombogenic effect" into the claims was not entered, because it would allegedly raise new issues that would allegedly require further consideration and/or search. It is believed that the amendments proposed herein would be more acceptable to the Examiner, and will not raise new issues that would require further consideration and/or search. No new matter will be added by the proposed amendments. In addition, entry of the proposed amendments will place the application in better form for allowance or

appeal, should an appeal be necessary. Applicants respectfully request that these amendments be considered and entered.

In the Advisory Action, the Examiner also explained that the evidence filed with the Amendment and Reply on April 19, 2007, was not entered. Certain documents filed on April 19, 2007, were discussed in the Amendment and Reply filed on October 26, 2006 (*e.g.*, the article by Heit, the article by Geerts *et al.*, and the article by Hyers *et al.*). It was not clear to the undersigned whether the documents were provided to the Examiner with Applicants' Amendment and Reply filed on October 26, 2006, so the undersigned provided them as a courtesy with the Amendment and Reply filed April 19, 2007. Hence, entry of the courtesy copies of these documents, which were previously discussed on the record, would not represent late entry of new evidence into the record of this application. Applicants therefore respectfully request that the Examiner enter the documents into the application file.

Certain documents (the article by Francis *et al.*, and the article by Eriksson *et al.*) were filed on April 19, 2007, in support of the enablement the claimed invention. These articles were not presented earlier, because Applicants reasonably believed that their arguments in favor of enablement, presented in the Amendment and Reply filed on October 26, 2006, were sufficient to obviate the rejection. Applicants respectfully request that the Examiner enter the documents into the application file.

The other documents filed on April 19, 2007 (the Velcade® package insert, a copy of U.S. 7,112,572, and the TRI-50c stability report) were presented in order to support the nonobviousness of the claimed invention. The evidence was not presented earlier, because Applicants reasonably believed that their arguments in favor of

nonobviousness, provided in the Amendment and Reply filed on October 26, 2006, were sufficient to obviate the rejection. Applicants respectfully request that the Examiner enter the documents into the application file.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.